

**Congress of the United States**  
**Washington, DC 20515**

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June 15, 2010

Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Chairman Genachowski,

We understand that the Federal Communications Commission currently is drafting its 2010 9-1-1 Fund Diversion Report pursuant to the NET 911 Improvement Act. As you are aware, we consider the diversion of funds to be a significant impediment to the improvement of 9-1-1 communications facilities and we support using available methods to discourage this practice.

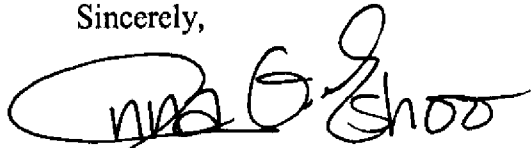
In March, the National Emergency Number Association (NENA) and 37 other emergency groups and associations sent a letter to Congress exposing past and present state efforts to divert funding from 911 services to other non-essential services. Although we were pleased that only one-fifth of the states engaged in diversions according to the 2009 report, we are concerned that available mechanisms for enforcement are not being utilized.

We believe that current statutory language provides you with the authority to regulate some of these activities. For example, the NET 911 Improvement Act makes clear that state and local governments have the authority to impose 911 fees on wireless and voice over-IP (VoIP) providers only if the fees are used for their intended purposes.

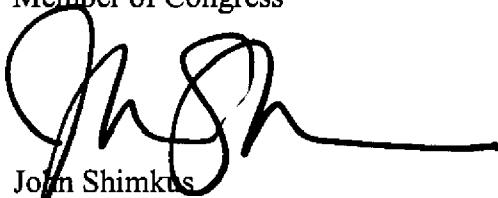
We ask you to explore any additional steps that the Commission can take within its existing jurisdiction to prevent diversions. For instance, since the FCC is tasked with enforcing "truth in billing" requirements on commercial licensees, could the Commission enforce a requirement that states be truthful about the fees they impose on consumers that are collected by carriers?

As you move toward completion of your report, we suggest that you explore your jurisdictional authority to encourage states to use 9-1-1 funds for their stated purpose and make recommendations concerning methods for furthering this goal.

Sincerely,



Anna G. Eshoo  
Member of Congress



John Shimkus  
Member of Congress



Amy Klobuchar  
U.S. Senator



Richard Burr  
U.S. Senator

CC: Commissioner Michael Copps  
Commissioner Mignon Clyburn  
Commissioner Robert McDowell  
Commissioner Meredith Baker



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

August 6, 2010

The Honorable John M. Shimkus  
U.S. House of Representatives  
2452 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Shimkus:

Thank you for your letter regarding state diversion of 911 funds for non-911 purposes. I share your concern that the diversion of 911 funds will impede the improvement of 911 services and call centers.

As you noted, in accordance with the NET 911 Act, the Commission staff is wrapping up its work on the Second Annual Report to Congress on State Collection and Distribution of 911 Fees and Charges. Among other things, this report will give us important data on state use of 911 funds during the past year. According to early indications, the majority of states have used their 911 funds for 911 purposes. Nevertheless, some states reported using these funds for other purposes. Akin to first annual report submitted to Congress in July 2009, the second annual report will provide full details on the practices of each state.

I have directed the Commission's staff to explore steps that the Commission could take within its existing jurisdiction, including under the NET 911 Improvement Act, to address the practice of some states diverting 911 funds to other purposes. In particular, they are examining whether the Commission's truth-in-billing requirements could be used to expose or discourage this practice. Another option they are exploring is whether the Commission would have the authority to preempt the assessment of excessive fees on communications services, such as substantial fees that are designated for 911 purposes but diverted to other uses. However, questions remain regarding the extent of the Commission's existing jurisdiction to restrict states from diverting funds. Additional legislation would be one way to address such questions. I welcome your continued leadership in devising legislation to address this critical issue.

I support and appreciate efforts by the 911 Caucus, NENA, and others to highlight the importance of this issue. The Commission staff will continue to address the issue of state diversion of 911 funds in its ongoing communication and outreach with the states. I look forward to working closely with you and the 911 Caucus to remedy this very important matter. Please let me know if you have any additional questions or concerns.

Sincerely,



Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

August 6, 2010

The Honorable Richard M. Burr  
United States Senate  
217 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Burr:

Thank you for your letter regarding state diversion of 911 funds for non-911 purposes. I share your concern that the diversion of 911 funds will impede the improvement of 911 services and call centers.

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Julius Genachowski





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

August 6, 2010

The Honorable Amy Klobuchar  
United States Senate  
302 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your letter regarding state diversion of 911 funds for non-911 purposes. I share your concern that the diversion of 911 funds will impede the improvement of 911 services and call centers.

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Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

August 6, 2010

The Honorable Anna G. Eshoo  
U.S. House of Representatives  
205 Cannon Building  
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding state diversion of 911 funds for non-911 purposes. I share your concern that the diversion of 911 funds will impede the improvement of 911 services and call centers.

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Julius Genachowski